

AMENDED IN ASSEMBLY APRIL 17, 2007

AMENDED IN ASSEMBLY APRIL 9, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 1634

Introduced by Assembly Member Levine

(Principal coauthor: Senator Padilla)

(Coauthor: Assembly Member Nava)

February 23, 2007

An act to add Chapter 9 (commencing with Section 122336) to Part 6 of Division 105 of the Health and Safety Code, relating to pets.

LEGISLATIVE COUNSEL'S DIGEST

AB 1634, as amended, Levine. California Healthy Pets Act.

Existing law sets forth provisions relating to veterinary public health and safety and provides for or regulates spay, neuter, and breeding programs for animals.

This bill would prohibit any person from owning or possessing any cat or dog over the age of 4 months that has not been spayed or neutered, unless that person possesses an intact permit, as defined. The bill would establish an intact permit fee in an amount to be determined by a local jurisdiction, and would require the revenue from these fees to be used for the administration of the local jurisdiction's permit program. The bill would make a violation of these provisions punishable by a ~~prescribed civil~~ *prescribed civil* penalty. It would require all revenues derived from these civil penalties to be used for funding the *outreach efforts in connection with, and the administration and enforcement of*, these provisions, and, to the extent funding is available, free and low-cost spay and neuter programs, and outreach efforts for those

programs, which would be required to be established by each local animal control agency.

By increasing the enforcement responsibility of local agencies, this bill would create a state-mandated local program.

The bill would become operative on April 1, 2008.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. This act shall be known and may be cited as the
2 California Healthy Pets Act.

3 SEC. 2. Chapter 9 (commencing with Section 122336) is added
4 to Part 6 of Division 105 of the Health and Safety Code, to read:

5
6 CHAPTER 9. SPAY AND NEUTER PROGRAM FOR CATS AND DOGS

7
8 Article 1. Definitions
9

10 122336. For purposes of this chapter, the following definitions
11 shall apply:

12 (a) "Intact permit" means a document issued annually by a local
13 jurisdiction or its local animal control agency if authorized to issue
14 these permits, that authorizes a person to own or possess within
15 that locality an unaltered cat or dog and meets the requirements
16 of subdivision (a) of Section 122336.2. A dog or cat license that
17 meets the requirements of subdivision (a) of Section 122336.2
18 shall be considered a permit for purposes of this chapter.

19 (b) "Local animal control agency" means the municipal or
20 county animal control agency or other entity responsible for
21 enforcing animal-related laws.

22 (c) "Local jurisdiction" means any city, county, or city and
23 county.

1 (d) “Spay or neuter” means any procedure, as performed by a
2 duly licensed veterinarian, that permanently sterilizes an animal
3 and makes it incapable of reproduction.

4
5 Article 2. General Provisions
6

7 122336.1. (a) A person shall not own or possess within the
8 state any cat or dog over the age of four months that has not been
9 spayed or neutered, unless that person possesses an intact permit,
10 as defined in subdivision (b) of Section 122336.

11 ~~(b) Any person who violates subdivision (a) shall be subject to~~
12 ~~the following:~~

13 ~~(1) Unless paragraph (2) applies, a person in violation of~~
14 ~~subdivision (a) shall have his or her cat or dog spayed or neutered~~
15 ~~within 30 days from the date of compliance as required under this~~
16 ~~section or Article 3 (commencing with Section 122336.2),~~
17 ~~whichever is applicable.~~

18 ~~(2) If a person in violation of subdivision (a) provides a letter~~
19 ~~from a California licensed veterinarian indicating that due to age,~~
20 ~~poor health, or illness, it is unsafe to spay or neuter the cat or dog~~
21 ~~within 30 days from the date of compliance under this section or~~
22 ~~Article 3 (commencing with Section 122336.2), whichever is~~
23 ~~applicable, and indicating that arrangements have been made to~~
24 ~~spay or neuter the cat or dog within 75 days from that date of~~
25 ~~compliance, he or she shall have his or her cat or dog spayed or~~
26 ~~neutered within that 75-day period.~~

27 ~~(3) Any(b) Subject to subdivision (c), any person who violates~~
28 ~~subdivision (a) shall, for each animal for which a violation has~~
29 ~~occurred, be subject to a civil penalty of five hundred dollars (\$500)~~
30 ~~for each applicable period of noncompliance, as set forth in~~
31 ~~paragraphs (1) and (2). This penalty of five hundred dollars (\$500).~~
32 ~~This penalty shall be imposed in addition to any other civil or~~
33 ~~criminal penalties imposed by the local jurisdiction.~~

34 ~~(c) If an owner of a cat or dog provides a letter from a~~
35 ~~California licensed veterinarian indicating that due to age, poor~~
36 ~~health, or illness, it is unsafe to spay or neuter the cat or dog and~~
37 ~~that arrangements have been made to spay or neuter the cat or~~
38 ~~dog within 75 days from the date the cat or dog reaches the age~~
39 ~~of four months, and the owner has his or her cat or dog spayed~~

1 *within that 75-day period, and the owner shall not be in violation*
2 *of this act.*

3 ~~(e) Any fines (d) Any civil penalty imposed under subdivision~~
4 ~~(b) may be waived by the local jurisdiction if the person in violation~~
5 ~~provides verification that his or her cat or dog has been spayed or~~
6 ~~neutered.~~

7 ~~(d)–~~

8 *(e) Any person who, on or after April 1, 2008, is in possession*
9 *of an intact permit or a document that qualifies as an intact permit,*
10 *as defined in subdivision (a) of Section 122336, shall be deemed*
11 *of any document issued by the local jurisdiction or its authorized*
12 *animal control agency that permits the owner to possess an*
13 *unaltered cat or dog shall be deemed in compliance with this act*
14 *until the permit the document expires, and in any event, not later*
15 *than January 1, 2009, shall be required to comply with subdivision*
16 *(a), unless that person qualifies for a new intact permit pursuant*
17 *to Article 3 (commencing with Section 122336.2). or January 1,*
18 *2009, whichever occurs first.*

19
20 Article 3. Permits
21

22 122336.2. (a) A local jurisdiction shall issue an intact permit,
23 as defined in subdivision (a) of Section 122336, if any of the
24 following conditions is met:

25 (1) The owner demonstrates, by providing a copy of his or her
26 business license and federal and state tax number, or by other
27 means, ~~as determined by the local entity authorized to issue~~
28 ~~permits, that he or she is doing business and is licensed as a breeder~~
29 ~~by the local jurisdiction or its authorized local animal control~~
30 ~~agency.~~ *proof, as requested by the local jurisdiction or its*
31 *authorized animal control agency, that he or she is doing business*
32 *and is licensed as a breeder at a location for which the local*
33 *jurisdiction or its authorized animal control agency has issued a*
34 *breeder permit.*

35 (2) The owner sufficiently demonstrates, as determined in the
36 ~~discretion of the local entity authorized to issue intact permits, all~~
37 ~~discretion of the local jurisdiction or its authorized animal control~~
38 ~~agency, all of the following:~~

39 (A) His or her cat or dog is used to show or compete and has
40 competed in at least one legitimate show or sporting competition

1 ~~within the last two years.~~ , hosted by, or under the approval of, a
2 recognized purebred registry or association in existence since at
3 least October 1, 2007, within the last two years, or by whatever
4 proof is requested by the authorized local animal control agency
5 that the cat or dog is being trained to show or compete and is too
6 young to have yet competed.

7 (B) His or her cat or dog is a valid breed that is recognized by
8 ~~an approved registry.~~ an approved purebred registry or association
9 in existence since at least October 1, 2007.

10 (C) The cat or dog has earned, or if under two years old, is in
11 the process of earning, a conformation, obedience, agility, carting,
12 herding, protection, rally, sporting, working, or other title from an
13 approved purebred registry or association.

14 ~~(3) The dog is appropriately trained and meets the definition of~~

15 (3) The owner provides proof to the local jurisdiction or its
16 authorized local animal control agency that the dog is being
17 trained or is documented as having been appropriately trained
18 and meets the definition of guide dog, service dog, or signal dog,
19 as set forth in subdivisions (d), (e), and (f) of Section 365.5 of the
20 Penal Code.

21 (4) ~~The dog is~~ owner provides proof to the local jurisdiction or
22 its authorized local animal control agency that the dog is being
23 trained, or is documented as having been appropriately trained,
24 and actively used by law enforcement agencies for law enforcement
25 and/or rescue activities.

26 (5) The owner of a cat or dog provides a letter to the local
27 jurisdiction or its authorized local animal control agency from a
28 California licensed veterinarian stating that due to age, poor health,
29 or illness, it is unsafe to spay or neuter the cat or dog. This letter
30 shall include the veterinarian's license number ~~and shall, if this~~
31 ~~information is available, include the date,~~ shall be periodically
32 updated, and shall, if this information is available, include the
33 duration of the condition of the dog or cat, and the date by which
34 the dog or cat may be safely spayed or neutered.

35 (b) An unaltered cat or dog for which an intact permit was issued
36 who ceases to meet the requirements of subdivision (a) is subject
37 to the spay and neuter requirements set forth in Section 122336.1.

38 (c) (1) The amount of the fee for an intact permit shall be
39 determined by the local jurisdiction, and shall be no more than

1 what is reasonably necessary to fund the administration of that
2 jurisdiction's intact permit program.

3 ~~(2) If necessary, by May 15, 2008, a local jurisdiction may adopt~~
4 ~~a permit differential fee for any dog or cat that is not spayed or~~
5 ~~neutered, and for which there has been issued an intact permit, or~~
6 ~~a document that qualifies as an intact permit under subdivision (a)~~
7 ~~of Section 122336, prior to the enactment of this chapter.~~

8 *(2) A local jurisdiction shall waive the fee for an unaltered cat*
9 *or dog that meets the requirements of paragraph (3) or (4) of*
10 *subdivision (a), and may waive all or part of the fee for an*
11 *unaltered cat or dog meeting the requirements of paragraph (5)*
12 *of subdivision (a).*

13 (d) Nothing in this section shall prohibit a local jurisdiction
14 from adopting or enforcing a more restrictive spay or neuter
15 program pursuant to Section 122331, provided that the program
16 allows for a cat or dog to be temporarily or permanently exempted
17 from a spay or neuter requirement for the reasons set forth in
18 ~~paragraph (4) of subdivision (a)~~ paragraphs (3) to (5), inclusive,
19 of subdivision (a).

20 *(e) Any owner of a cat or dog who is not a resident of California*
21 *and who brings a cat or dog into California from outside the state*
22 *shall be exempted from the permit requirements set forth in this*
23 *chapter if the owner provides proof, as determined by the local*
24 *jurisdiction or its authorized animal control agency, that he or*
25 *she moved from another state or country after April 1, 2008. For*
26 *purposes of this subdivision, proof may include, but need not be*
27 *limited to, a valid driver's license from another state.*

28 29 Article 4. Funding 30

31 122336.3. (a) ~~To~~ *(1) Any civil penalty collected pursuant to*
32 *subdivision (b) of Section 122336.1 shall be used for funding the*
33 *administration, outreach, and enforcement activities set forth in*
34 *Article 5 (commencing with Section 122336.4).*

35 (2) To the extent that funding is available pursuant to this
36 chapter, a local animal control agency shall establish a free and
37 low-cost spay and neuter program for low-income individuals.
38 The agency shall undertake outreach efforts to inform qualified
39 persons about these programs.

1 ~~(b) All civil penalties collected pursuant to paragraph (3) of~~
2 ~~subdivision (b) of Section 122336.1 shall be used for funding the~~
3 ~~enforcement activities set forth in Article 5 (commencing with~~
4 ~~Section 122336.4).~~

5 ~~(e)–~~

6 (b) All permit fees collected pursuant to subdivision (c) of
7 Section 122336.2, shall be used for funding the administration of
8 the permit program in the local jurisdiction in which the permits
9 are issued.

10
11 Article 5. Enforcement
12

13 122336.4. A local animal control agency shall be responsible
14 for enforcing, *conducting outreach efforts in connection with*, and
15 administering this chapter.

16 SEC. 3. No reimbursement is required by this act pursuant to
17 Section 6 of Article XIII B of the California Constitution because
18 a local agency or school district has the authority to levy service
19 charges, fees, or assessments sufficient to pay for the program or
20 level of service mandated by this act, within the meaning of Section
21 17556 of the Government Code.

22 SEC. 4. This act shall become operative on April 1, 2008.
23

24
25 CORRECTIONS: _____

26 Text—Pages 2, 4, 6, and 7.
27 _____